

**ORIGINAL**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

MAY 22 1997

Federal Communications Commission  
Office of Secretary

In re )  
 )  
 Amendment of Section 73.202(b) )  
 Table of Allotments, )  
 FM Broadcast Stations )  
 (Cheyenne, Wyoming and )  
 Gering, Nebraska) )

MM Docket No. 97-106  
 RM-9071

To: Chief, Allocations Branch  
 Policy and Rules Division  
 Mass Media Bureau

**COMMENTS OF TSB II, INC.**

TSB II, Inc. ("TSB II"), by its attorneys, hereby submits its comments in the above-referenced proceeding that proposes to amend Section 73.202(b) of the Commission's rules, the Table of Allotments for FM Broadcast Stations, to allot Channel 280C2 to Cheyenne, Wyoming as the sixth local FM service to that community and substitute Channel 239C3 for Channel 280C3 at Gering, Nebraska.

TSB II initiated the instant rule making proceeding and proposed the amendment of the FM Table of Allotments to permit the allocation of Channel 280C2 to Cheyenne, Wyoming. In support of that proposal, TSB II attached as Exhibit I of its original Petition for Rule Making and Order to Show Cause (and reattaches here as Exhibit I) an Engineering Report and accompanying channel spacing study which shows that the allotment of Channel 280C2 to Cheyenne satisfies all the Commission's spacing requirements for a new FM allotment as long as a substitution is made for Channel 280C3 at Gering, Nebraska. The Commission has concurred with this finding and thus issued a *Notice of Proposed Rule Making and Order to Show Cause*, released March 28, 1997, in the above-captioned proceeding (DA 97-585) ("NPRM"). In the

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*NPRM*, the Commission seeks comments on the proposed amendment of the FM Table of Allotments, Section 73.202(b) of the Commission's rules, to allot channel 280C2 at Cheyenne, Wyoming, and substitute channel 239C3 for channel 280C3 at Gering, Nebraska in order to accommodate TSB II's request.


TSB II incorporates by reference the arguments made in its original Petition for Rule Making and Order to Show Cause to support the amendment of the FM Table of Allotments proposed in the instant proceeding. Additionally, TSB II hereby reaffirms its intention to apply for an FM radio station on Channel 280C2 in Cheyenne should such an allotment be made and an application filing window subsequently opened as a result of this rule making. When and if said application is granted, TSB II will proceed to construct the radio station without delay, and will promptly commence service to the residents of Cheyenne and the surrounding area in the public interest. Furthermore, as stated in its Petition for Rule Making and Order to Show Cause, in the event that TSB II is granted a construction permit to build a new facility to operate on Channel 280C2 in Cheyenne, it agrees to reimburse Tracy Broadcasting Corporation, the licensee of Station KOLT-FM, which currently uses Channel 280C3 at Gering, Nebraska, for the latter's reasonable expenses incurred in making the proposed change.

WHEREFORE, the above premises being considered, TSB II supports an amendment of the FM Table of Allotments, 47 C.F.R. § 73.202(b), as follows:

<u>Community</u>	<u>Present Channel(s)</u>	<u>Proposed New Channel</u>
Gering, Nebraska	280C3	239C3
Cheyenne, Wyoming	250C1, 260A, 264C1, 285A, 292C3	229A, <sup>1</sup> 250C1, 260A, 264C1, 285A, 292C3, 280C2

Respectfully submitted,

**TSB II, INC.**

By:   
Alan Campbell  
Elizabeth A. Sims

Its Attorneys

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May 22, 1997

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<sup>1</sup> As noted by the Commission, a *Notice of Proposed Rule Making* was adopted on November 29, 1996, proposing the allotment of Channel 229A at Cheyenne as the community's sixth local FM transmission service. See *Notice of Proposed Rule Making* in MM Docket No. 96-242, RM-8940, DA 96-1993, released December 6, 1996; 61 FR 65509, December 13, 1996.

**DECLARATION OF ALAN R. BRILL**

I, Alan R. Brill, President of TSB II, Inc. ("TSB II"), under pain and penalty of perjury, do hereby declare that I have read the foregoing "Comments of TSB II, Inc.," filed on this date by TSB II, and the facts presented therein are true and correct to the best of my knowledge, information and belief.



\_\_\_\_\_  
Alan R. Brill  
President

Date: \_\_\_\_\_

5/24/97

**EXHIBIT I**

ENGINEERING STATEMENT  
IN SUPPORT OF TSB II, INC.  
PETITION FOR RULEMAKING  
SEEKING THE ALLOTMENT  
CHANNEL 280C2  
CHEYENNE, WY.

This engineering statement, prepared on behalf of TSB II, INC., supports the proposed allocation of Channel 280C2 to Cheyenne, Wyoming as its 6th (sixth) local FM service.

Exhibit 1, Channel Spacing Study, shows that Channel 280C2 may be allotted to Cheyenne if a substitution is made for Channel 280C3 at Gering, Nebraska. The coordinates used herein for the proposed allocation of Channel 280C2, North Latitude 41-08-44, West Longitude 104-47-32, represent a site near downtown Cheyenne, WY. which will put a 70 DBU over the proposed city of license. See attached map, Exhibit 2.

In order to allow for the allotment of Channel 280C2 to Cheyenne, WY. a channel substitution must be made for Channel 280C3 at Gering, Nebraska. Exhibit 3, a Channel Spacing Study, shows that Channel 239C3 meets all of the commission's mileage separation requirements for allocation to Gering, NE at the present KOLT-FM antenna site

Should TSB II, INC. be granted a construction permit to construct a new facility on Channel 280C2 at Cheyenne, WY. it will reimburse the licensee of Station KOLT-FM reasonable expenses incurred in making the proposed change.

In summary, it is requested that the commission amend the FM Table of Allotments as follows:

<u>TOWN</u>	<u>STATE</u>	<u>PRESENT</u>	<u>PROPOSED</u>
GERING	NE	280C3	239C3
CHEYENNE	WY	250C1, 260A, 264C1 285A, 292C3	250C1, 260A, 264C1 285A, 292C3, 280C2

Should the Commission need additional information concerning this matter please do not hesitate to contact this office.

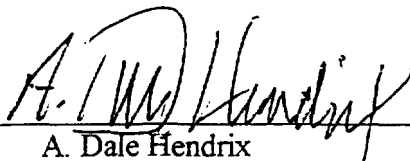
Dale Hendrix  
Broadcast Consultant  
872 Allen Road  
Murfreesboro, TN. 37129  
615-893-6777  
Fax 615-848-0866

Certification

I hereby certify, subject to penalties for perjury, that the contents of this Engineering Statement are true and accurate to the best of my knowledge and belief.

January 26, 1997

A. Dale Hendrix  
Broadcast Consultant  
872 Allen Road  
Murfreesboro, Tenn. 37129  
(615) 893-6777  
(615) 848-0866 (FAX)

  
A. Dale Hendrix



DALE HENDRIX BROADCAST CONSULTANT  
872 ALLEN RD. MURFREESBORO TN 37129

CHEYENNE WY (EXHIBIT 1)

ALLOCATION POINT

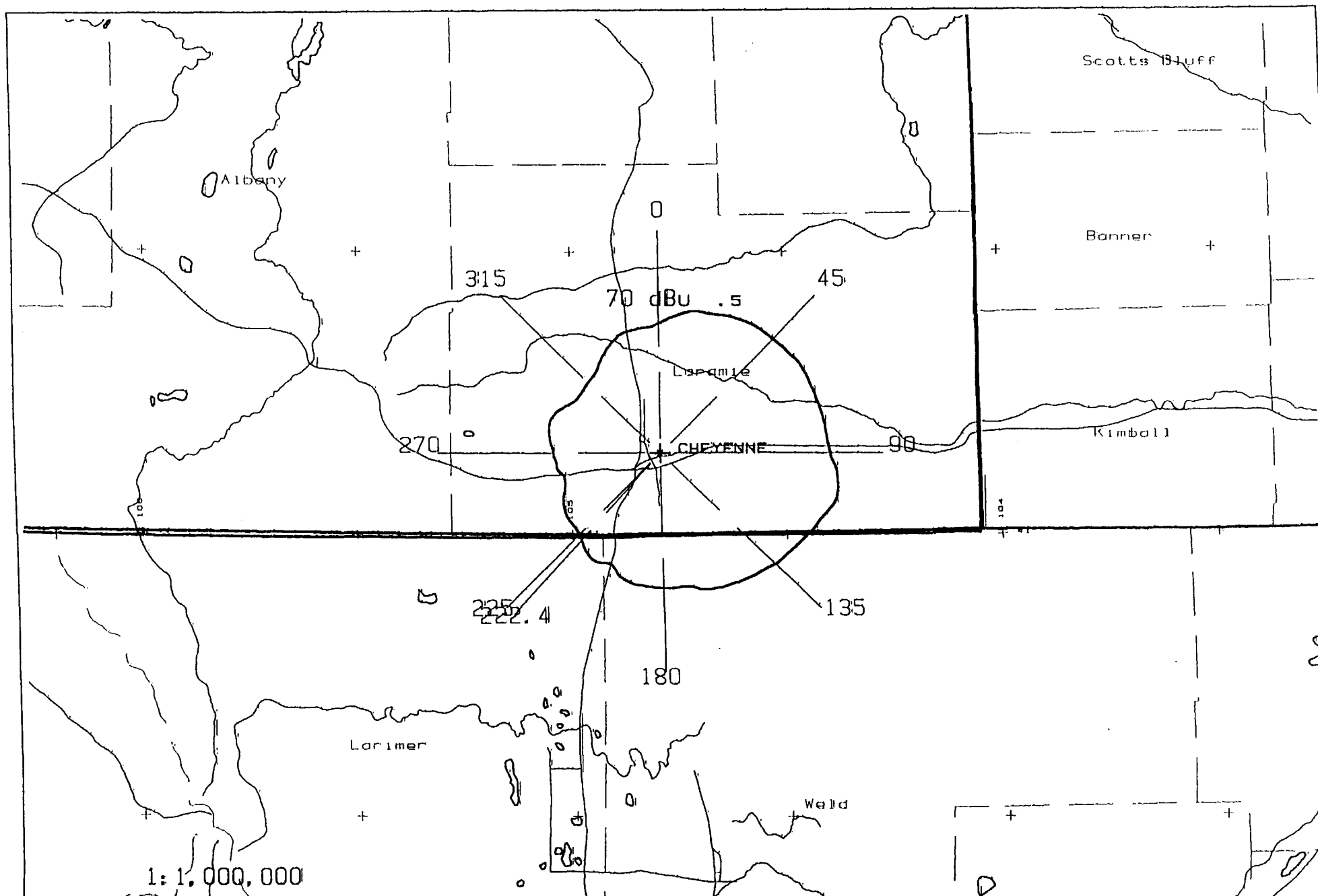
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104 47 32 W

CLASS C2

DISPLAY  
SEARCH DATE  
01-26-97

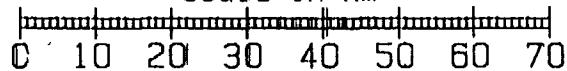
----- CHANNEL 280 -103.9 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KOLTFM	280C3	Gering	NE	48.7	120.82	177.0	-56.18 *
KKNG	283C3	Laramie	WY	285.9	56.89	56.0	0.89 <
KQLT	279C	Casper	WY	324.7	217.46	188.0	29.46
KQLT.C	279C	Casper	WY	324.7	217.53	188.0	29.53
KQKS	282C1	Longmont	CO	184.5	116.87	79.0	37.87
KRFX	278C	Denver	CO	193.5	161.56	105.0	56.56
AD280	280A	Calhan	CO	167.1	232.77	166.0	66.77



1:1,000,000

Scale in km



280C2 50kW

N. Lat. 41 08 44

W. Lng. 104 47 32

EXHIBIT 2 CHEYENNE WY

DALE HENDRIX - 01/97

DALE HENDRIX BROADCAST CONSULTANT  
872 ALLEN RD. MURFREESBORO TN 37129

GERING NE (EXHIBIT 3)

KOLT LIC SITE

REFERENCE				CLASS		DISPLAY
41	51	50	N	C3		SEARCH DATE
103	42	20	W			01-26-97

----- CHANNEL 239 - 95.7 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KSDZ	238C1	Gordon	NE	48.9	157.99	144.0	13.99
KHIH	239C	Denver	CO	208.6	269.58	237.0	32.58
KTRS	238C	Casper	WY	294.5	235.73	176.0	59.73
KCGY	236C	Laramie	WY	247.1	158.20	96.0	62.20

**CERTIFICATE OF SERVICE**

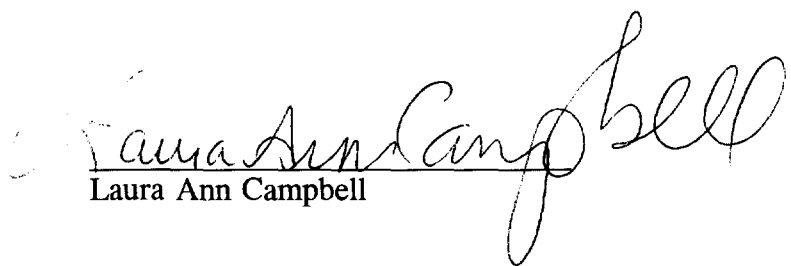
I, Laura Ann Campbell, do hereby certify that I have, this 22nd day of May, 1997, caused to be sent by first class United States mail, postage prepaid, or by hand delivery, copies of the foregoing "Comments of TSB II, Inc." to the following:

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Mass Media Bureau  
Federal Communications Commission  
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Laura Ann Campbell

\*indicates hand delivery